

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CIERRE WOOD,

Petitioner,

v.

SHERIFF JOE LOMBARDO,

Respondent.

Case No. 2:20-cv-01944-RFB-VCF

ORDER

Petitioner Cierre Wood has submitted a *pro se* 28 U.S.C. § 2241 habeas corpus petition but he has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

The court further notes that it does not appear that petitioner has exhausted his state-court remedies. A federal court will not grant a state prisoner's petition for habeas relief until the prisoner has exhausted his available state remedies for all claims raised. Rose v. Lundy, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). A petitioner must give the state courts a fair opportunity to act on each of his claims before he presents those claims in a federal habeas petition. O'Sullivan v. Boerckel, 526 U.S. 838, 844 (1999); see also Duncan v. Henry, 513 U.S. 364, 365 (1995). A claim remains unexhausted until the petitioner has given the highest available state court the opportunity to consider the claim through direct appeal or state collateral review proceedings. See Casey v. Moore, 386 F.3d 896, 916 (9th Cir. 2004); Garrison v. McCarthy, 653 F.2d 374, 376 (9th Cir. 1981). Wood is in pretrial detention and argues that the amount of his bail is unconstitutional. He refers to a motion for reasonable bail; it appears that motion was denied. He contends

1 that a recent Nevada Supreme Court decision would impact his case. However, he does  
2 not state that he pursued a state habeas corpus petition, and therefore, it appears this  
3 federal petition is unexhausted and premature.

4 This federal petition is dismissed without prejudice to petitioner filing a new federal  
5 habeas petition, in a new case with a new case number and a new, completed application  
6 to proceed *in forma pauperis* with the required financial information or the \$5.00 filing fee.

7 **IT IS THEREFORE ORDERED** that the Clerk **file and ELECTRONICALLY**  
8 **SERVE** the petition (ECF No. 1-1) on the respondents, for informational purposes only.

9 **IT IS FURTHER ORDERED** that the Clerk add Aaron D. Ford, Nevada Attorney  
10 General, as counsel for respondents.

11 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice as  
12 improperly commenced.

13 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

14 **IT IS FURTHER ORDERED** that the Clerk enter judgment accordingly and close  
15 this case.

16 DATED: 14 January 2021.

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20 RICHARD F. BOULWARE, II  
21 UNITED STATES DISTRICT JUDGE  
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